IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11900 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAHENDRAKUMAR DHANRAJ CHANDOK JAIN

Versus

COMMISSIONER OF POLICE

Appearance:

HL PATEL ADVOCATES for Petitioner

MR HH PATEL, AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/02/2001

ORAL JUDGEMENT

#. Challenge has been made by petitioner in this petition who is detained under the Prevention of Antisocial Activities Act, 1985 (hereinafter referred to as `Act') as a `dangerous person' to the order of the Commissioner of Police, Ahmedabad, dated 22.9.2000 passed

in exercise of powers conferred under Section 3(2) of the Act.

#. This matter also exhibits clear example that the detention order of the petitioner is nothing but only a statistical data and deliberately, lacunas have been left out in the order so that he may get himself released by this court.

#. The learned counsel or the petitioner raised manifold contentions challenging the order impugned in this special civil application of the detaining authority, but as this matter deserves acceptance only on one ground, no need to refer, discuss and give finding on all other contentions. This course is adopted to save precious and valuable time of the court which is facing serious problem of overcoming of heavy pendency of the matters.

#. The petitioner was ordered to be detained in exercise of powers conferred u/s.3 of the Act by the Commissioner of Police, Ahmedabad, under the impugned order as a `dangerous person'. The petitioner admitted that he was bailed out in criminal complaint by the court of Sessions on 16th September, 2000. The statements of two persons were recorded on 21st September, 2000 and on the very next date, this order of detention has been passed. If we go by the facts of this case, it is clearly a case where the detaining authority has not applied its mind to the matter. This matter is squarely covered by decision of this court in the case of Ramubhai Bhikhabhai Bharvad v. State of Gujarat reported in 2000(3) GLR 2696.

#. In the result, this petition succeeds and the same is allowed and the order of detention of the petitioner dated 22.9.2000 is quashed and set aside. The petitioner - Mahendrakumar Dhanraj Chandok Jain, detenu, at present at District Jail, Nadiad, be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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(sunil)